

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 8, 1998

DIVISION ONE

B114539 Tatum Company of America, Inc. (Not for Publication)
v.
Ko et al.

The order under review is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.
Dunn, J. (Assigned)

B113382 Matters et al. (Not for Publication)
v.
Brown et al.

The judgment is reversed. Plaintiffs are to recover costs on appeal.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.
Dunn, J. (Assigned)

July 8, 1998-Continued

DIVISION ONE (Continued)

B113650 Michael A. Dolan & Associates et al. (Not for Publication)

V.

Liberty Mutual Group of Ins. Co., et al.

The summary judgment in favor of defendant Welborn is reversed. The purported appeal from the order granting summary adjudication of issues in favor of defendant Liberty Mutual having been treated as a petition for mandate, let a writ of mandate issue ordering the superior court to vacate its order granting summary adjudication of issues in favor of defendant Liberty Mutual and to make a new order denying Liberty Mutual's motion for summary adjudication. Plaintiffs are to recover costs on these proceedings.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.

Dunn, J. (Assigned)

B107930 Kotlisky (Not for Publication)

V.

Poplawski

Estate of Lila Kotlisky

The order under review is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.

Dunn, J. (Assigned)

B112128 People

V.

Hale

Filed order denying petition for rehearing.

July 8, 1998-Continued

DIVISION TWO

B113356 People (Not for Publication)
v.
Edwards

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

B119658 Entertainment Transportation Specialists, Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Theatrical Entertainment Services, Inc., r.p.i.)

Let a writ of mandate issue directing the trial court to vacate its order of January 26, 1998, imposing sanctions in the amount of \$3,575, and to issue a new and different order denying real party's motion for sanctions. The parties to bear their own costs of this petition.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

(Not for Publication)

B099860 Community Redevelopment Agency of the City of Hawthorne
v.
Jackson National Life Insurance Company

The judgment and order under review are affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION THREE

B109750 Highland Federal Bank (Not for Publication)
v.
Andrew J. Davis, et al.

The order denying the Bank's petition is affirmed. Halderman is awarded costs on appeal. Halderman's request for attorney fees on appeal is denied.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B109786 Cua (Not for Publication)
v.
Pinto

The order granting attorney fees is reversed. Appellant is to bear his own costs on appeal.

Cooper (F.M.), J. (Assigned)

We concur: Epstein, Acting P.J.
Hastings, J.

B113863 People (Not for Publication)
v.
McKenzie

The judgment of conviction is modified to reflect only one five-year prior serious felony enhancement; in all other respects, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Cooper (F.M.), J. (Assigned)

July 8, 1998-Continued

DIVISION FOUR (Continued)

B113591 People v. Stevens (Not for Publication)

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

[illegible]

The abstract of judgment is modified to reflect 256 days of conduct credit. In all other respects the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Cooper (F.M.), J. (Assigned)

B118659 Zieman
v.
Superior Court of Los Angeles
People

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment.)

July 8, 1998-Continued

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B116439 People v. Anthony S.
B114835 People v. Alexander Tara
B110065 & B116474 Agnew v. Northwestern Mutual Life Ins.
B117565 People v. George Casillas

Argument waived, cause submitted.

B111589 The People
 v.
 Edward Charles Corbin

Merits:
Argued by Randy P. Baker for appellant and by Robert David Breton for respondent. Cause submitted.

B106300 Marvin H. Leaf
 v.
 Toyota Motor Distributors, Inc. et al.

Merits:
Argued by Kay E. Kochenderfer for appellants and M. Silberfeld for respondent. Cause submitted.

B107594 John M. Norton
 v.
 Forrest G. Quinn

Merits:
Argued by James W. Han for appellant and by Edward J. Horowitz for respondent. Cause submitted.

DIVISION FIVE (Continued)

B112280 Mark Shoemaker
 v.
 Kymberly Shoemaker

Merits:

Argued by appellant Mark Shoemaker, in propria persona, and no appearance for respondent. Submission deferred. Cause will be submitted July 18, 1998. Letter brief due July 18, 1998.

Court recessed.

The Court reconvened at 11:00 a.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B114976 People v. Emma E.
B113206 People v. Daniel Logan & Jose Ortiz
B110686 People v. Stacey Reese
B114870 People v. Tommy Mitchel & Danny Murray
B116710 People v. Infante
B115482 People v. Shannon Smith
B121404 Cornelius J. v. Superior Court
B116951 People v. Dexter Johnson

Argument waived, cause submitted.

B110122 The People
 v.
 Tuong Vinh Du
 (Lac Vinh Du, r.p.i.)

Merits:

Argued by Cara DeVito and Eleanor M. Kraft for appellants and by Joseph Lee, Deputy Attorney General for respondent. Cause submitted.

DIVISION FIVE (Continued)

B111382 The People
 v.
 Vincent Young

Merits:

Argued by Mark D. Greenberg for appellant and by Susan C. Diamond, Deputy Attorney General, for respondent. Cause submitted.

B122446 Blue Cross of California et al.
 v.
 Los Angeles Superior Court
 (Elizabeth Farquhar et al., r.p.i.)

Merits:

Argued by Terrence M. King for petitioner and by Barry Reed for real parties in interest. Submission deferred. Cause will be submitted July 18, 1998. Letter briefs due July 18, 1998.

Court recessed.

The Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B100545 Patricia Rios
 v.
 Ken Clark McCarty

Merits:

Argued by Patricia M. Forster for appellant and Edward L. Xanders for respondent. Cause submitted.

DIVISION FIVE (Continued)

B108968 Principal Mutual Life Insurance
 v.
 Vars, Pave, McCord & Freedman et al.

Merits:
Argued by Gail V. Phillips for appellant and no appearance for respondent.
Cause submitted.

Court adjourned.

B114149 Frank Calvo
 v.
 L.A. County Metropolitan Transportation Authority & John Thomas

Filed order denying petition for rehearing.

B114190 NPI Medical Group et al.
 v.
 State Compensation Ins. Fund

Filed order denying petition for rehearing.

B113493 FWHC Medical Group, et al.
 v.
 CNA Casualty of California, et al.

Filed order denying petition for rehearing.

B114099 People
 v.
 James R. Netherly

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B114603 People
 v.
 Ronald Lamont Scott

Filed order denying petition for rehearing.

B111267 People
 v.
 Basil Roy Sinclair

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B105878 Battaglia
 v.
 Battaglia

Merits:

Argued by appellant Thomas E. Battaglia, in propria persona, and argument waived by Sharla J. Bissell appearing for respondent. Cause submitted.

B118582 Keulen
 v.
 Workers' Compensation Appeals Board
 (Atascadero State Hospital, r.p.i.)

Review:

Presented by Craig A. Kingscott for petitioner and by Louis Harris for respondent Atascadero State Hospital. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

DIVISION SIX (Continued)

B118763 State Compensation Insurance Fund
 v.
 Workers' Compensation Appeals Board
 (McCarthy, r.p.i.)

Review:

Presented by Louis Harris for petitioner and by Laurence D. Grossman for respondent McCarthy. Presentation previously waived by respondent Workers' Compensation Appeal Board. Cause submitted.

B115097 King
 v.
 Gilkison

Merits:

Argued by respondent James L. Gilkison, in propria persona. Argument waived by appellant C. Russell King, appearing in propria persona.

In open court respondent requested suppression of the Appellant's Reply Brief, which is taken under submission. Respondent further moves for sanctions against appellant to be paid to respondent in the amount of \$5,000 plus costs. Cause submitted.

B109988 Wanger
 v.
 Grayson

Merits:

Argued by Phillip Feldman for appellants and by Thomas N. Charchut for respondent. Cause submitted.

DIVISION SIX (Continued)

B118720 Rico
v.
Ventura County

Merits:
Argued by Steven C. Glickman for appellant and by Jeffrey Held for respondent. Cause submitted.

B114279 Favorite
v.
Los Angeles County

Merits:
Argued by Brad Jacobs for appellant and by Daniel P. Barer for respondent. Cause submitted.

Court recessed at 10:25 A.M.

Court reconvened at 10:35 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., and G. Bents, Deputy Clerk.

B105128 Water World Resorts
v.
Gold

Merits:
Argued by John A. Montevideo for appellant and by Michael W. McCann for respondent. Cause submitted.

DIVISION SIX (Continued)

B115082 Ramirez
 v.
 Truck Insurance Exchange

Merits:

Argued by Neil S. Tardiff for appellant and by Linda Chalison for respondent. Cause submitted.

Court recessed at 11:35 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Coffee, J., and G. Bents, Deputy Clerk.

B121640 Seth C.
 v.
 Santa Barbara Co. Superior Court
 (Child Protective Services, r.p.i.)

Merits:

Argued by Michael McMahon, Assistant Public Defender, for petitioner and by Gustavo E. Lavayen, Deputy County Counsel, for real party in interest. Cause submitted.

B109057 Marriage
 of
 Chapple

Merits:

Argued by Michael A. Pina for appellant and by Glen M. Reiser for respondent. Cause submitted.

DIVISION SIX (Continued)

B116717 Marriage
 of
 Wideman

Merits:

Argued by appellant Richard L. Wideman, in propria persona, and by George L. Wittenburg for respondent. Cause submitted.

Court recessed at 2:35 P.M.

Court reconvened at 2:45 P.M.

Present: Stone, P.J., Gilbert, J., Coffee, J., and G. Bents, Deputy Clerk.

B117242 Love
 v.
 Hamlon

Merits:

Argued by Richard Hamlish for appellant and by David B. Pillemer for respondent. Cause submitted.

B114357 Santa Anita Medical Management v. Zubrick
 Oral argument is continued to September, 1998.

B115534 Messano v. Everson
 Oral argument is continued to August, 1998.

Court adjourned at 3:20 P.M.

July 8, 1998-Continued

DIVISION SEVEN

B098459 People v. Kvesic (Not for Publication)

The judgment is modified by reducing appellant's pre-trial detention credits to 401 days. As modified, the judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B116778 People (Not for Publication)
v.
Sanchez

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

July 8, 1998-Continued

DIVISION SEVEN (Continued)

B106279 Reddy (Not for Publication)

v.

Litton Industries, Inc., et al.

The judgment of dismissal is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.

Neal, J.

B112699 People

v.

Joyner

Filed order denying petition for rehearing. Lillie, P.J. would modify opinion.